

**RESOLUTION NO. 3
SERIES 2003**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, APPROVING AN AMENDMENT TO THE TOTAL POWER REQUIREMENTS PURCHASE AGREEMENT BETWEEN THE CITY OF GUNNISON AND THE MUNICIPAL ENERGY AGENCY OF NEBRASKA REGARDING THE PURCHASE OF ADDITIONAL ELECTRICAL GENERATING CAPACITY, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SUCH AMENDMENT.

WHEREAS, the City of Gunnison adopted Ordinance No. 10, Series 1992, on September 8, 1992, which authorized the execution of the Service Schedule M Total Power Requirements Purchase Agreement (hereinafter referred to as “SSM”) with the Municipal Energy Agency of Nebraska (hereinafter referred to as “MEAN”); and

WHEREAS, the City has received notice that on July 18, 2002, the MEAN Board of Directors unanimously approved entering into a Joint Ownership Agreement with MidAmerican Energy Company and 13 public power utilities to purchase 6.67% (approximately 50 MW) ownership interest from Council Bluffs Energy Center Unit 4 (hereinafter referred to as “Project”), which is a new coal-fired, steam electric generating unit with a net generating capability of approximately 750 MW; and

WHEREAS, the SSM has been in effect since the date of execution and the City continues to be a Total Requirements Purchaser under SSM; and

WHEREAS, the City has received a Notice to Service Schedule M Participants to amend Exhibit D to SSM dated October 23, 2002, pursuant to Section 3.01 (c) of SSM, a copy of which is attached; and

WHEREAS, the City recognizes its right, pursuant to Section 3.01 (c) of SSM, to advise MEAN within sixty (60) days that it does not want to participate in the Project, as described in the Notice, and therefore, become a Contract Purchaser; and

WHEREAS, the City determines it is in the best interest of the City and its ratepayers to decline exercising this right, consent to participation in the Project, and amend Exhibit D of SSM and, therefore, remain a Total Requirements Purchaser.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. The City finds and declares that it is in the public interest of the City and its ratepayers that the City remain a Total Requirements Purchaser under SSM and consent to the amendment of Exhibit D to SSM by adding the purchase of a 6.67% undivided ownership interest in the Project as an additional project.

Section 2. It is hereby ordered and directed that the City of Gunnison, acting through its Mayor and City Clerk, consent to amend Exhibit D to SSM, a copy of Exhibit D being attached hereto and made a part hereof.

Section 3. The City of Gunnison does hereby reaffirm each of the objectives, terms, and conditions set forth in SSM, as amended.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Gunnison, Colorado, held this 11th day of March, 2003.

Mayor

(SEAL)

City Clerk